

129-6-38. Rights of applicants and recipients. (a) Right to information. Each applicant or recipient shall have the right to be provided with information concerning the types of assistance that are provided by the agency. Upon request, each applicant shall be furnished with information by the agency, and the categories of assistance and the eligibility factors shall be explained to the applicant.

(b) Right to submit an application. Each applicant shall have the right to submit an application regardless of any question of eligibility or agency responsibility. The right of any individual to submit an application shall not be abridged.

(c) Right to private interview. Each individual, upon request, shall have the right to a private interview when discussing individual situations with the agency.

(d) Right to a determination of eligibility for assistance. Each applicant or recipient shall be given an opportunity to present any request and to explain the applicant's or recipient's situation.

(e) Right to withdraw from program. Each applicant shall have the right to withdraw the application at any time between the date the application is signed and the date the notice of the agency's decision is mailed. Any recipient may withdraw from a program at any time.

(f) Right to a prompt decision. Each applicant shall have the right to have a decision rendered on an application within 45 days of its receipt by the agency or within 90 days of receipt for disability determination cases. Each recipient shall have the right to have a decision rendered on any formal request within 30 days of its receipt by the agency.

(g) Right to the correct amount of assistance. Each individual, if eligible, shall be entitled to the correct amount of assistance, based upon the program regulations.

(h) Right to written notification of action. Each individual shall have the right to a written

notification of agency action concerning eligibility for the medical assistance program. For children eligible for presumptive coverage as specified in K.A.R. 129-6-151, the notice shall be sent from the qualified entity as required in K.A.R. 129-6-152.

(i) Right to equal treatment. Each individual shall have the right to be treated in the same manner as that for other individuals who are in similar circumstances.

(j) Right to a fair hearing. Except for children determined eligible for presumptive medical assistance as specified in K.A.R. 129-6-151, each individual shall have the right to request a fair hearing if the individual is dissatisfied with any agency decision or lack of action in regard to the application for or the receipt of assistance. (Authorized by K.S.A. 2005 Supp. 75-7412; implementing K.S.A. 2005 Supp. 75-7412 and 75-7413, as amended by 2006 HB 2608, § 2; effective P-\_\_\_\_\_.)